

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**KEVIN A. TOLLIVER,**

**Plaintiff,**

**v.**

**Case No. 2:16-cv-1020**

**Judge Edmund A. Sargus, Jr.**

**Magistrate Judge Kimberly A. Jolson**

**ABDUL RAHMAN SHAHID,**

**Defendant.**

**ORDER**

This matter is before the Court on Plaintiff Kevin Tolliver’s “Request for Final Appealable Order; Documents to File a Notice of Appeal; Alternatively, Court Ordered Mediation.” (ECF No. 257.) As background, this case went to trial on October 2 and 3, 2023. (ECF Nos. 249, 250.) The jury found for Mr. Tolliver on his First Amendment retaliation claim against Defendant Abdul Rahman Shahid and awarded him \$3,000 in compensatory damages. (ECF No. 252.)

Before the Court entered judgment, Mr. Tolliver filed this Request. (ECF No. 257.) He explains that he intends to appeal certain issues in his case, including “the dismissal of ODRC defendants by summary judgment and other matters [*sic*] preserved by objection.” (*Id.*) In the alternative, Mr. Tolliver suggests that the issues he plans to appeal here and declaratory judgments requested in another case pending before the undersigned—*Kevin A. Tolliver v. Ohio Department of Rehabilitation and Corrections*, Case No. 2:22-cv-4567—could be resolved together through court-ordered mediation. (ECF No. 257, PageID 1741–1742.) Mr. Tolliver

outlines proposed settlement terms in his Request and attaches a settlement demand. (ECF No. 1744–45, 47–48.)

Mr. Tolliver’s Request is **DENIED AS MOOT**. (ECF No. 257.) The Court entered judgment shortly after Mr. Tolliver filed his request. (ECF No. 258.) As he said he would, Mr. Tolliver has filed his Notice of Appeal. (ECF No. 261.) If Mr. Tolliver desires to mediate his Case No. 2:22-cv-4567, he may make such a request in that litigation at the appropriate time.<sup>1</sup>

**IT IS SO ORDERED.**

1/4/2024  
**DATE**

s/Edmund A. Sargus, Jr.  
**EDMUND A. SARGUS, JR.**  
**UNITED STATES DISTRICT JUDGE**

---

<sup>1</sup> In Case No. 2:22-cv-4567, in the Magistrate Judge’s Report and Recommendation, Mr. Tolliver was “**DIRECTED** to refrain from filing substantive motions in this case until after the Court has had the opportunity to consider and resolve both of the pending Reports and Recommendations.” (Case No. 2:22-cv-4567, ECF No. 9, PageID 207.)